

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #11	CCRB Case #: 202006659	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/01/2020 9:15 PM	Location of Incident: Carroll Street and Rochester Avenue	Precinct: 71	18 Mo. SOL 4/1/2022	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 10/02/2020 11:30 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 10/02/2020 11:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Adam Elmaadawy	10563	956618	071 PCT
2. POM Jason Schreckenstein	01340	956247	071 PCT
3. PO Mirsad Radoncic	24382	967272	071 PCT
4. PO Craig Smith	07105	956272	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Jason Schreckenstein	Abuse: Police Officer Jason Schreckenstein stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Adam Elmaadawy	Abuse: Police Officer Adam Elmaadawy stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C.PO Mirsad Radoncic	Abuse: Police Officer Mirsad Radoncic stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
D.PO Craig Smith	Abuse: Police Officer Craig Smith stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
E.POM Jason Schreckenstein	Abuse: Police Officer Jason Schreckenstein frisked § 87(2)(b)	
F.POM Jason Schreckenstein	Abuse: Police Officer Jason Schreckenstein searched § 87(2)(b)	
G.PO Mirsad Radoncic	Abuse: Police Officer Mirsad Radoncic searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
H.POM Jason Schreckenstein	Abuse: Police Officer Jason Schreckenstein searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
I.PO Mirsad Radoncic	Abuse: Police Officer Mirsad Radoncic searched § 87(2)(b)	
J.POM Jason Schreckenstein	Discourtesy: Police Officer Jason Schreckenstein spoke discourteously to § 87(2)(b)	
K.POM Adam Elmaadawy	Discourtesy: Police Officer Adam Elmaadawy spoke discourteously to § 87(2)(b)	
L.POM Adam Elmaadawy	Force: Police Officer Adam Elmaadawy used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
M.POM Adam Elmaadawy	Abuse: Police Officer Adam Elmaadawy damaged § 87(2)(b) property.	
N.POM Adam Elmaadawy	Abuse: Police Officer Adam Elmaadawy threatened to arrest § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 2, 2020, § 87(2)(b) filed this complaint with the CCRB online on behalf of himself and his friend § 87(2)(b).

On October 1, 2020, at approximately 9:15 p.m., in the vicinity of Carroll Street and Rochester Avenue in Brooklyn, § 87(2)(b) and § 87(2)(b) were inside of § 87(2)(b) vehicle while it was idling, waiting for the vehicle to warm up. PO Jason Schreckenstein, PO Adam Elmaadawy, PO Mirsad Radoncic, and PO Craig Smith of the 71st Precinct pulled up and stopped § 87(2)(b) and § 87(2)(b) (**Allegations A, B, C, and D: Abuse of Authority**, § 87(2)(g)).

PO Schreckenstein approached the driver's window and informed § 87(2)(b) that they smelled marijuana and asked him to step out. PO Schreckenstein frisked and searched § 87(2)(b) and asked him to step to the back of the vehicle (**Allegations E and F: Abuse of Authority**, § 87(2)(g)). § 87(2)(b) stepped to the back of the vehicle as well. PO Radoncic and PO Schreckenstein searched the vehicle and recovered marijuana (**Allegation G and H: Abuse of Authority**, § 87(2)(g)). While he was searching the vehicle, PO Radoncic searched § 87(2)(b) purse which was on the passenger's seat (**Allegation I: Abuse of Authority**, § 87(2)(g)).

PO Elmaadawy was at the back of the vehicle with § 87(2)(b) and § 87(2)(b) running § 87(2)(b) name for warrants. § 87(2)(b) was arguing with the officers about their ability to smell marijuana coming from the vehicle to which PO Schreckenstein stated, "You sound stupid right now," (**Allegation J: Discourtesy**, § 87(2)(g)). PO Elmaadawy said, "You lit it, you idiot," and later called § 87(2)(b) a "shit head" and said, "You're going to fucking disrespect us," (**Allegation K: Discourtesy**, § 87(2)(g)). PO Elmaadawy then pushed § 87(2)(b) into the side of his vehicle (**Allegation L: Force**, § 87(2)(g)). PO Elmaadawy allegedly damaged § 87(2)(b) vehicle by pushing him into it (**Allegation M: Abuse of Authority**, § 87(2)(g)). PO Elmaadawy proceeded to threaten to arrest § 87(2)(b) by telling him to put his hands behind his back and by saying "You're this close to going," (**Allegation N: Abuse of Authority**, § 87(2)(g)). Then the officers decided to let § 87(2)(b) go and left the location.

§ 87(2)(g), § 87(4-b)

This incident resulted in no summonses or arrests.

The investigation obtained four body-worn camera videos (**BR 01, BR 02, BR 03, and BR 04**; videos, **BR 05, BR 06, BR 07, and BR 08**; summaries).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Jason Schreckenstein stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Adam Elmaadawy stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (C) Abuse of Authority: Police Officer Mirsad Radoncic stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (D) Abuse of Authority: Police Officer Craig Smith stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It was undisputed that § 87(2)(b) and § 87(2)(b) were sitting in § 87(2)(b) vehicle while it was idling. The length of time in which it was idling was disputed.

§ 87(2)(b) stated (**BR 09**) that his 2011 Infiniti EX37, was parked in a legal parking spot on the side of the street. § 87(2)(b) and § 87(2)(b) entered § 87(2)(b) vehicle and turned it on. § 87(2)(b) and § 87(2)(b) sat in the parked vehicle for less than two minutes with the windows down when PO Elmaadawy, PO Schreckenstein, PO Radoncic, and PO Smith pulled up behind him and approached his vehicle.

§ 87(2)(b) (**BR 10**) consistently stated that she and § 87(2)(b) were parked in a legal parking spot. However, § 87(2)(b) stated that she and § 87(2)(b) sat talking in the vehicle for

approximately one minute waiting for it to warm up when PO Elmaadawy, PO Schreckenstein, PO Radoncic, and PO Smith approached them.

PO Elmaadawy stated (**BR 11**) that he observed § 87(2)(b) vehicle idling on the east side of the street for approximately one minute and the vehicle had tinted windows. PO Elmaadawy, PO Schreckenstein, PO Radoncic, and PO Smith collectively made the decision to stop and approach the vehicle. There was no discussion regarding stopping and approaching the vehicle.

PO Schreckenstein stated (**BR 12**) that he observed a gray Infiniti with excessive window tints and its engine idling for three to five minutes. PO Schreckenstein was driving the police vehicle and informed his partners, PO Elmaadawy, PO Radoncic, and PO Smith, that they were going to stop the vehicle. Aside from the window tints and the engine idling there were no other reasons for stopping the vehicle. PO Schreckenstein drove past the Infiniti, travelled a few blocks, made a U-turn, and then made another U-turn to park behind the vehicle.

PO Radoncic stated (**BR 13**) that he observed § 87(2)(b) vehicle idling and the excessive tints, but he did not specify how long he observed the vehicle idling.

PO Smith stated (**BR 14**) that § 87(2)(b) was not allowed to be standing at the location where he was idling. PO Smith, PO Radoncic, PO Elmaadawy, and PO Schreckenstein decided to conduct a vehicle stop because § 87(2)(b) was idling for a couple of minutes, had dark window tints, and a temporary tag for a license plate. There was no verbal discussion about this decision.

There was no video evidence capturing the length in which § 87(2)(b) was idling. None of the officers measured the percentage of light transmittance of § 87(2)(b) windows.

NYC Administrative Code § 24-163 (**BR 15**) states that no person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes while parking, standing, or stopping.

NYS VTL § 375(12-a)(b) (**BR 16**) states that no person shall operate any motor vehicle upon any public highway, road or street where the front windshield, side windows, rear side window, and/or rear window are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent.

Due to a lack of video evidence and due to inconsistent statements regarding the duration in which § 87(2)(b) vehicle was idling and because no officer measured the percentage of light transmittance of § 87(2)(b) windows, the investigation was unable to determine whether § 87(2)(b) vehicle was idling for longer than three minutes or whether § 87(2)(b) windows had a light transmittance of less than seventy percent. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Jason Schreckenstein frisked § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Jason Schreckenstein searched § 87(2)(b)

§ 87(2)(b)

Allegation (G) Abuse of Authority: Police Officer Mirsad Radoncic searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (H) Abuse of Authority: Police Officer Jason Schreckenstein searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (I) Abuse of Authority: Police Officer Mirsad Radoncic searched § 87(2)(b)

It was undisputed that there was marijuana inside of § 87(2)(b) vehicle. § 87(2)(b) was frisked and searched, and his vehicle was also searched. PO Radoncic searched § 87(2)(b) purse which was inside of the vehicle.

§ 87(2)(b) stated (**BR 09**) that an officer went to the driver's window and opened his door. § 87(2)(b) asked the officer, "What is going on? Why are you stopping me?" and the officer said, "We smell marijuana." § 87(2)(b) believed the officer asked him to step out of the vehicle and asked to search his vehicle.

§ 87(2)(b) exited the vehicle on his own and walked onto the sidewalk on the passenger side. The officer patted down § 87(2)(b) arms, legs, and waistband and searched § 87(2)(b)

pants pockets. § 87(2)(b) had cash, keys, wallet, and his phone in his pockets. Another officer went to the passenger side window and had § 87(2)(b) exit the vehicle.

There was approximately one gram of marijuana inside of a sealed, square-shaped, plastic container (like a Tupperware) that was on top of the center console in plain view. The container was airtight and there was no odor. § 87(2)(b) had not been smoking inside of the vehicle any time recent to the incident. Two officers searched the inside of the vehicle and the trunk. § 87(2)(b) was near the rear of the vehicle, so he did not have a clear view of the search, however, objects inside the center console and the glove compartment had been moved around. Objects in the backseat were moved around as well.

One of the officers went into § 87(2)(b) vehicle, took out the marijuana, brought it over to § 87(2)(b) opened it up, dumped it onto the ground near § 87(2)(b) trunk, and then stepped on it

§ 87(2)(b) stated (BR 10) that she and § 87(2)(b) were not smoking marijuana or under the influence of marijuana. There was a marijuana cigar butt in the cup holder that had been lit “a long time ago.” § 87(2)(b) did not smell any marijuana in the vehicle or in the surrounding area. § 87(2)(b) did not believe anyone would be able to see the marijuana cigar butt inside of the cupholder from outside of the vehicle because the cupholder was deep.

An officer instructed § 87(2)(b) to exit the vehicle and another officer instructed § 87(2)(b) to exit the vehicle and stand near the rear. § 87(2)(b) was not patted down. Two or three of the officers searched § 87(2)(b) vehicle. § 87(2)(b) did not recall whether the officers asked for permission to search the vehicle. § 87(2)(b) had a purse inside of the vehicle but did not know whether any officer searched the inside of it.

There was 0.5 grams of marijuana inside of a small plastic rectangular container with a white lid that was approximately five centimeters wide. The container did not emit any odor and was inside of the center console. An officer brought the container out of the vehicle and approached § 87(2)(b) and § 87(2)(b) at the back of the vehicle. The officer said, “Oh you see this?” opened the container, threw the marijuana on the ground, and stepped on it for approximately 00:30 seconds.

PO Elmaadawy stated (BR 11) that he smelled a strong odor of marijuana coming from § 87(2)(b) vehicle while they were parked behind § 87(2)(b) vehicle. § 87(2)(b) windows were slightly open. An officer said, “It smells like weed.” It smelled like freshly smoked marijuana and there was a lit marijuana cigarette in § 87(2)(b) hand when PO Elmaadawy approached his vehicle.

PO Elmaadawy approached § 87(2)(b) driver’s side and retrieved his ID to run his name for warrants. PO Elmaadawy asked § 87(2)(b) to lower all the windows and explained to § 87(2)(b) the reason for the stop. § 87(2)(b) gave him a hard time and took a minute or two to exit the vehicle. § 87(2)(b) exited the vehicle. PO Elmaadawy did not recall who frisked § 87(2)(b) but stated it was procedure to frisk and search individuals during a vehicle stop in which there was the odor of marijuana.

§ 87(2)(b) went to the rear of the vehicle and PO Elmaadawy reiterated why § 87(2)(b) had been stopped while officers searched the vehicle. PO Elmaadawy did not assist in searching the vehicle. Marijuana was recovered from the vehicle.

PO Schreckenstein stated (BR 12) that he got out and approached § 87(2)(b) driver’s side and § 87(2)(b) lowered the windows. PO Schreckenstein smelled a strong odor of marijuana when the windows were lowered. PO Schreckenstein asked § 87(2)(b) for his license, registration, and insurance. PO Schreckenstein asked § 87(2)(b) to step out of the vehicle, frisked and searched him, and asked him to step to the back.

PO Schreckenstein searched the front of the vehicle, the backseat, and the trunk. Afterward, he went to the front of the vehicle and found a grinder which contained marijuana. PO Schreckenstein then went to the rear of the vehicle, opened it up, and showed § 87(2)(b) that there was marijuana inside. PO Schreckenstein did not purposely empty the grinder and step on the

contents; however, marijuana could have fallen out when he opened the grinder. PO Schreckenstein then returned the grinder to the vehicle.

PO Radoncic stated (BR 13) he smelled the odor of burnt marijuana when § 87(2)(b) and § 87(2)(b) opened the windows, and he observed a marijuana cigarette in plain view. The officers took § 87(2)(b) and § 87(2)(b) out of vehicle and an officer searched § 87(2)(b). PO Radoncic searched the body of the vehicle and the trunk. PO Schreckenstein assisted in searching the vehicle. PO Radoncic was not sure whether PO Schreckenstein recovered anything from the vehicle. § 87(2)(b) bag was inside of the vehicle and PO Radoncic searched it because he had probable cause due to the odor of marijuana to search the bag. PO Radoncic took the marijuana cigarette out to show § 87(2)(b) and § 87(2)(b).

PO Smith stated (BR 14) that he smelled marijuana emanating from the vehicle. The officers did not discuss smelling the marijuana. § 87(2)(b) windows were cracked, and it smelled like the marijuana had been smoked. PO Smith approached the rear driver's side of the vehicle.

PO Smith, PO Radoncic, PO Elmaadawy, and PO Schreckenstein asked for § 87(2)(b) license, registration, and insurance. § 87(2)(b) became reluctant to provide his information. He did eventually step out and handed over his ID. § 87(2)(b) was asked to step to the back of the vehicle so the vehicle could be searched for other drugs or other substances. PO Smith kept his eye on § 87(2)(b) and § 87(2)(b) and did not search the vehicle. PO Smith did not see which parts of the vehicle was searched. PO Radoncic stated he found a small amount of marijuana in the vehicle. PO Smith clarified that he did not see the marijuana in the vehicle himself, but he did see PO Radoncic with a marijuana cigarette.

PO Schreckenstein's body-worn camera (BR 03; video, BR 07; summary) shows at 1:00 minute, § 87(2)(b) exiting the vehicle and PO Schreckenstein says, "Do you have anything else other than marijuana in this car?" PO Schreckenstein then frisks § 87(2)(b) and asks him to go to the rear of the vehicle. At 1:33 minutes, PO Schreckenstein searches the driver's seat area of § 87(2)(b) vehicle. At 2:16 minutes, PO Schreckenstein searches the trunk of the vehicle. At 3:40 minutes, PO Schreckenstein says, "Where's that marijuana?" and goes into the driver's side of the vehicle to retrieve it. PO Schreckenstein then walks to the back of the vehicle briefly before returning a container to the vehicle.

PO Radoncic's body-worn camera (BR 03; video, BR 07; summary) shows starting at 1:00 minute, PO Radoncic asks § 87(2)(b) to go to the back of the vehicle. PO Radoncic then enters the vehicle and searches the inside of § 87(2)(b) purse. At 1:36 minutes, PO Radoncic says, "See this, marijuana cigarette." PO Radoncic walks to the back of the vehicle where the rest of the officers are standing with § 87(2)(b) and § 87(2)(b). PO Radoncic says, "That's our probable cause, shut your mouth." At 1:45 minutes, PO Radoncic continues to search the front seat and back seat of the vehicle on the passenger side. At 3:11 minutes, PO Radoncic searches the trunk.

Despite § 87(2)(b) and § 87(2)(b) stating that the vehicle did not smell like marijuana, because it was undisputed that there was marijuana inside of the vehicle and § 87(2)(b), PO Elmaadawy, PO Radoncic, and PO Smith all consistently stated there was a marijuana cigarette or cigar inside of the vehicle, the investigation credited the officers' statements that there was an odor of marijuana emanating from the vehicle.

In *People v. Chestnut*, 43 A.D.2d 260 (1974) (BR 17) the court found that the smell of marijuana smoke, with nothing more, can be sufficient to provide police officers with probable cause to search a vehicle and its occupants.

§ 87(2)(g)

Allegation (J) Discourtesy: Police Officer Jason Schreckenstein spoke discourteously to § 87(2)(b)

Allegation (K) Discourtesy: Police Officer Adam Elmaadawy spoke discourteously to § 87(2)(b)

Allegation (L) Force: Police Officer Adam Elmaadawy used physical force against § 87(2)(b)

Allegation (M) Abuse of Authority: Police Officer Adam Elmaadawy damaged § 87(2)(b) property.

Allegation (N) Abuse of Authority: Police Officer Adam Elmaadawy threatened to arrest

§ 87(2)(b)

It was undisputed that PO Schreckenstein said, “You sound stupid,” to § 87(2)(b) PO Elmaadawy called § 87(2)(b) an “idiot” and a “shit head” and told him, “You’re going to fucking disrespect us.” PO Elmaadawy pushed § 87(2)(b) into his vehicle and threatened to arrest § 87(2)(b) by saying, “You’re this close to going.” Whether § 87(2)(b) vehicle was damaged was disputed.

§ 87(2)(b) stated (BR 09) that he asked PO Elmaadawy why he was pulled over and stated that he knew his rights. PO Elmaadawy said, “Oh, you know so much,” and called § 87(2)(b) an “idiot.” § 87(2)(b) replied, “You’re an idiot.” PO Elmaadawy called § 87(2)(b) a “shithead,” and § 87(2)(b) responded, “You’re a shithead.” Then PO Elmaadawy shoved § 87(2)(b) in his chest causing § 87(2)(b) upper body to go backward and make contact with his vehicle. The impact dented § 87(2)(b) vehicle near the gas tank on the rear passenger side. § 87(2)(b) feet did not move. PO Elmaadawy said, “Oh, you’re so close to going, we’re going to take you,” and § 87(2)(b) replied, “For what?” § 87(2)(b) interpreted this as PO Elmaadawy threatening to arrest him and he did not say what § 87(2)(b) would be arrested for.

§ 87(2)(b) is 5’10” tall and weighed 165 pounds at the time of this incident.

PO Schreckenstein stated (BR 12) that he told § 87(2)(b) “You sound stupid,” because § 87(2)(b) stated that marijuana was legal and that what the officers were doing was wrong.

PO Elmaadawy stated (BR 11) that while he was running § 87(2)(b) name, § 87(2)(b) said, “Suck my dick. You’re a dick sucker.” PO Elmaadawy called § 87(2)(b) a “Shithead,” because he was frustrated in the heat of the moment. § 87(2)(b) had been cursing the entire time that PO Elmaadawy was trying to explain the reason for the stop. PO Elmaadawy confirmed that he also said, “You’re going to fucking disrespect us,” to § 87(2)(b) PO Elmaadawy explained that he was frustrated by § 87(2)(b) berating them with insults since the incident started and it was a moment of weakness.

§ 87(2)(b) came off the vehicle in an aggressive manner approaching PO Elmaadawy. PO Elmaadawy thought it would lead to an aggressive encounter, so he diffused the situation by pushing him back toward the vehicle and told him to stay there. PO Elmaadawy was not aware of any damage to the vehicle from § 87(2)(b) making contact with it.

§ 87(2)(b) was being very discourteous and disruptive the entire time. PO Elmaadawy said, “You’re this close to going.” PO Elmaadawy clarified that he meant § 87(2)(b) would be under arrest when he made that statement. § 87(2)(b) could have been brought to the stationhouse and given a C-summons for disorderly conduct or for marijuana. After some arguing, § 87(2)(b) was released with no summonses or arrest.

According to his pedigree sheet (BR 18) PO Elmaadawy is 6’1” tall and weighed 210 pounds at the time of this incident.

PO Schreckenstein’s body-worn camera (BR 03; video, BR 07; summary) shows at 2:52 minutes, § 87(2)(b) arguing with officers about their ability to smell the odor of marijuana. PO Schreckenstein says, “Can you do me a favor, can you just be quiet. You’re doing a lot of talking I don’t want to hear it ‘cause you sound stupid right now.” § 87(2)(b) says, “I know my rights.” PO Schreckenstein replies, “Well you’re absolutely wrong so shut up.”

PO Elmaadawy's body-worn camera (**BR 01**; *video*, **BR 05**; *summary*) shows at 1:17 minutes, § 87(2)(b) questioning the officers' ability to smell marijuana in his vehicle and PO Elmaadawy says, "Because you lit it, you idiot." At 3:37 minutes, § 87(2)(b) says, "I just want your badge number." PO Elmaadawy says, "It's on my shirt, shithead." § 87(2)(b) replies, "Shithead. Fucking dick sucking bitch," and moves slightly forward toward PO Elmaadawy. PO Elmaadawy pushes § 87(2)(b) in the chest with his right arm outstretched. § 87(2)(b) goes backward and his back makes contact with his vehicle. § 87(2)(b) says, "Don't touch me," and § 87(2)(b) stands in between § 87(2)(b) and PO Elmaadawy. PO Elmaadawy says, "You gonna fucking disrespect us." At 3:56 minutes, PO Elmaadawy says, "Put your hands behind your back." § 87(2)(b) attempts to calm everyone down by getting in between § 87(2)(b) and the other officers. At 4:09 minutes, PO Elmaadawy says, "You're this close to going man understand that you're this close to going."

Patrol Guide procedure 200-02 (**BR 19**) states that officers are to respect the dignity of each individual and render services with courtesy and civility.

In DAO-DCT Case Number: 2015-15012 (**BR 20**), the court held that an officer is not permitted to use profanity when the profanity serves no legitimate purpose but to belittle the civilian.

Patrol Guide procedure 221-01 (**BR 21**) states that force may be used to ensure the safety of a member of service. Any application of force must be reasonable under the circumstance and the following should be considered in determining whether it is reasonable: The nature and severity of the crime/circumstance, actions taken by the subject, duration of the action, immediacy of perceived threat or harm to the subject, MOS, or bystanders, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to number of MOS, size, age, and condition of subject compared to that of the MOS, subject's violent history, presence of hostile crowd or agitators, and whether the subject is apparently under the influence of stimulants/narcotics.

New York Penal Law § 221.05 (**BR 22**) states that a person is guilty of unlawful possession of marijuana when they knowingly and unlawfully possess marijuana.

The Marijuana Regulation and Taxation Act, 2021 N.Y. SB 854 (**BR 29**) repealed article 221 of the penal law relating to offenses involving marijuana on March 31, 2021.

§ 87(2)(g)

Although § 87(2)(b) moved toward PO Elmaadawy and was using discourteous language prior to being pushed in the chest, because PO Elmaadawy instructed § 87(2)(b) to look at his shirt for his shield number and had been admittedly frustrated by § 87(2)(b) during this incident, and because there were four officers in the immediate vicinity, PO Elmaadawy was 45 pounds heavier than § 87(2)(b) and § 87(2)(b) had already been frisked and searched for weapons, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been a party (BR 24 and BR 25).
- PO Elmaadawy has been a member of service for seven years and named a subject in six CCRB complaints and 10 allegations, none of which were substantiated.
- PO Schreckenstein has been a member of service for seven years and named a subject in eight allegations, none of which were substantiated.
- PO Radoncic has been a member of service for two years and named a subject in four CCRB complaints and 12 allegations, none of which were substantiated.
- PO Smith has been a member of service for seven years and named a subject in one CCRB complaint and three allegations, none of which were substantiated.

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of August 20, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this incident (BR 26).

• [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 11

Investigator: Kelly Lyon Inv. Kelly Lyon 10/20/2021
Signature Print Title & Name Date

Squad Leader: Edwin Pena IM Edwin Pena 10/20/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date